



RESOLUTION

REQUESTING THE LIQUOR COMMISSION TO ADOPT RULES OR INTERPRET EXISTING LAWS, RULES, AND ORDERS TO ENSURE THAT LICENSED BARS FOLLOW COVID-19-RELATED REGULATIONS AND PROTOCOLS.

WHEREAS, Chapter 281, Hawaii Revised Statutes ("HRS"), authorizes Hawaii's counties to establish liquor commissions; and

WHEREAS, the Honolulu Liquor Commission ("Liquor Commission") was established by Section 6-207 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition); and

WHEREAS, HRS Section 281-17(a)(1) grants the Liquor Commission the jurisdiction, power, authority, and discretion, "to grant, refuse, suspend, and revoke any license for the manufacture, importation, and sale of liquors"; and

WHEREAS, HRS Section 281-17(a)(3) authorizes the Liquor Commission to "control, supervise, and regulate the manufacture, importation, and sale of liquors by investigation, enforcement, and education"; and

WHEREAS, HRS Section 281-17(a)(4) specifies that the county liquor commissions have the authority to make, amend, and repeal rules that in their judgment, are deemed appropriate for the efficient administration and proper conduct of the business of all licensees; and

WHEREAS, the Liquor Commission has adopted the Rules of the Liquor Commission of the City and County of Honolulu (2018 Edition) ("Rules"); and

WHEREAS, pursuant to Section 3-81-20 of the Rules, liquor licensees must provide an investigator from the Liquor Commission immediate access to every part of the licensed premises for the purpose of making an examination or inspection thereof of items related to the licensee's compliance with the liquor laws or rules; and

WHEREAS, pursuant to Section 3-82-31.2 of the Rules, liquor licensees are prohibited from conducting any business except as authorized by the Liquor Commission; and

WHEREAS, on March 18, 2020, in response to the COVID-19 pandemic, the Mayor issued a Supplemental Proclamation of Emergency or Disaster, which, in part, mandated all bars and nightclubs to close for 15 days, effective March 20, 2020; and



RESOLUTION

WHEREAS, Emergency Order 2020-01, issued by the Mayor on March 20, 2020, defined a "bar" as "an establishment that is primarily engaged in the serving of alcoholic beverages for consumption by guests on the premises regardless of whether food is served, including but not limited to taverns, cocktail lounges, karaoke rooms/areas, and cabarets, and including outdoor areas of such establishments"; and

WHEREAS, on March 22, 2020, the Mayor issued Emergency Order 2020-02, which required all residents of the City and County of Honolulu ("City") to remain at home until April 30, 2020, except to engage in specified essential businesses and activities, and bars were not included under the definition of "essential businesses," except as they may be engaged in the delivery or carrying out of food; and

WHEREAS, on May 8, 2020, the Mayor issued Emergency Order 2020-10, which, among other things, extended the stay-at-home order to May 30, 2020 and allowed the reopening of designated businesses and activities under certain restrictions; and

WHEREAS, on May 28, 2020, the Mayor issued Emergency Order 2020-14, which, among other things, extended the stay-at-home order to June 30, 2020 and allowed the reopening of additional designated businesses and activities under certain restrictions; and

WHEREAS, under the Mayor's Emergency Order 2020-14, all law enforcement personnel of the State and City are mandated to ensure compliance with and enforce the emergency orders in accordance with HRS Section 127A-29 and the Mayor's Rules; and

WHEREAS, on June 3, 2020, the Mayor issued Emergency Order 2020-15, which, among other things, authorized the reopening of bars, effective June 19, 2020, subject to a list of requirements and conditions, including:

- Compliance with all appropriate City, State, and federal statutory and regulatory requirements;
- Development, posting, and implementation of written protocols ("COVID-19 Mitigation Plan") consistent with City, State, industry-specific associations or organizations, and guidance of the U.S. Centers for Disease Control and Prevention to mitigate the spread of COVID-19;
- Limit occupancy to no more than 50 percent of the maximum occupant load of the bar;



RESOLUTION

- Limit groups within the bar to a maximum of 10 individuals per group;
- Designate areas within the bar in order to separate groups at least six feet apart from each other (e.g., through ropes or other physical separation for standing areas, or the seating of guests at separate tables, or both);
- Ensure individuals in different groups maintain a minimum of six feet of physical distance from each other to the greatest extent possible;
- Require all employees that interact with public to wear face coverings;
- Ensure all customers wear face coverings when entering and leaving the bar, but allow customers to remove the face covering while in the bar;
- Ensure there is no dancing or singing within the bar, except as authorized by the Mayor's Emergency Order 2020-16; and
- Designate at least one employee to monitor compliance with applicable orders and requirements; and

WHEREAS, on June 22, 2020, the Mayor issued Emergency Order 2020-16, which, among other things, retained the existing prohibition on dancing in bars, but allowed singing and the playing of wind instruments in both indoor and outdoor areas of bars, provided that performers who are either singing or playing a wind instrument must keep a distance of at least 10 feet from other persons (except other performers), and, to the extent practicable, there must be a physical barrier (e.g., plexiglass) between a person singing or playing a wind instrument and other persons (except for other performers; and

WHEREAS, public health experts classify bars as high risk venues for the transmission of COVID-19 infection due to typical conditions such as crowding, social mingling, the inability of patrons to wear masks while drinking, and impaired decision-making due to the consumption of alcohol; and

WHEREAS, in order to safeguard the health and safety of bar patrons and workers, as well as the community at large, it is essential that bars follow COVID-related regulations and protocols; and

WHEREAS, the Council believes that in view of the authority granted to it by HRS Chapter 281, the Liquor Commission's adopted Rules, and the Mayor's orders, the



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 20-160

RESOLUTION

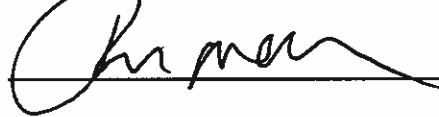
Liquor Commission and its staff should monitor licensed bars to ensure their compliance with COVID-19-related requirements; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Liquor Commission is requested to adopt rules or interpret existing laws, rules, and orders to ensure that licensed bars follow COVID-19-related regulations and protocols; and

BE IT FURTHER RESOLVED that the Liquor Commission is requested to coordinate, with the Mayor and the Honolulu Police Department, the Commission's monitoring of licensed bars to ensure their compliance with COVID-19-related requirements; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, the Chief of Police, and the Administrator of the Honolulu Liquor Commission.

INTRODUCED BY:



DATE OF INTRODUCTION:

JUN 29 2020

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 20-160

Introduced: 06/29/20 By: RON MENOR

Committee: BUDGET

Title: RESOLUTION REQUESTING THE LIQUOR COMMISSION TO ADOPT RULES OR INTERPRET EXISTING LAWS, RULES, AND ORDERS TO ENSURE THAT LICENSED BARS FOLLOW COVID-19-RELATED REGULATIONS AND PROTOCOLS.

Voting Legend: * = Aye w/Reservations

07/15/20	BUDGET	CR-175 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. 4 AYES: ELEFANTE, MANAHAN, MENOR, WATERS. 1 EXCUSED: PINE.
08/19/20	COUNCIL	CR-175 AND RESOLUTION 20-160 WERE ADOPTED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK

IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER